

TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
November 2, 2009

The Tippecanoe County Commissioners met on Monday, November 2, 2009 at 10:00 a. m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President David S. Byers, and Member Thomas P. Murtaugh. Also present were: Attorney David W. Luhman, Auditor Jennifer Weston, Commissioner's Assistant Frank Cederquist, and Secretary Kay Muse.

Commissioner Knochel called the meeting to order and led the Pledge of Allegiance.

PROCLAMATION

Larry Pherson, representing the Supplier Diversity Development Coalition of Greater Lafayette, informed the commissioners the Coalition will be holding its 5th annual Relationships To Partnerships event on November 12, 2009 on the Purdue campus. He is asking for support from the cities and county in the form of a proclamation recognizing their effort to expand opportunities for woman and minority owned businesses. Lafayette Mayor Tony Roswarski, West Lafayette Mayor John Dennis, and Commission President John Knochel read and signed the proclamation. *(See Appendix A)*

APPROVAL OF MINUTES

- Commissioner Byers moved to approve minutes from the October 19, 2009 regular meeting, second by Commissioner Murtaugh; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

Commissioner's Assistant Frank Cederquist recommended approval of accounts payable vouchers for October 20, 21, 22, 23, 28, 29, 30, and November 2, 2009 as submitted with exception of the voucher to the Tippecanoe Health Department in the amount of \$225 for H1N1 shots given to Probation Department employees. Chief Probation Officer Kipp Scott questioned the decision to deny payment; Human Resources Coordinator Shirley Mennen established all but one would be covered by insurance. Commissioner Murtaugh stated that consistency was necessary with all county departments.

- Commissioner Murtaugh moved to approve the accounts payable vouchers as presented with the exception, second by Commissioner Byers; motion carried.

REZONE

Z-2416- SADDLEBROOK DEVELOPMENT, LLC; Ordinance 2009-23-CM:

- Commissioner Byers moved to hear Rezone Z-2416 – Saddlebrook Development, LLC (R3 to NB) Ordinance 2009-23-CM.

(quote)

October 22, 2009
 Ref. No.: 09-329
 Tippecanoe County Commissioners
 20 North 3rd Street
 Lafayette, IN 47901

CERTIFICATION

RE: Z-2416 SADDLEBROOK DEVELOPMENT, LLC (R3 to NB):

Petitioner, who is also the property owner, represented by attorney Daniel Teder, is requesting rezoning of 9.48 acres located on the north side of CR 50 S, just east of the CR 550 E intersection in Perry 30 (NE) 23-3.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on October 21, 2009 the Area Plan Commission of Tippecanoe County voted 10 yes - 0 no on the motion to rezone the subject real estate from R3 to NB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their November 2, 2009 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,
Sallie Dell Fahey
Executive Director

(unquote)

Petitioner, represented by attorney Dan Teder, is requesting rezoning of 9.48 acres located on the north side of CR 50 S, just east of the CR 550 E intersection in Perry 30 (NE) 23-3. This action will allow for the relocation of the Moose Lodge.

Public Comment

Mr. John Chinnok, representing Lexington Farms Home Owners Association, requested a map of the rezoned lot to locate entrances to the property; Mr. Chinnok is concerned about altered traffic flow within the neighborhood. Mr. Teder will provide a copy.

- Commissioner Murtaugh moved to approve Rezone Z-2416-Saddlebrook Development, LLC (R3 to NB); Ordinance 2009-23-CM, second by Commissioner Byers.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2009-23-CM passes 3-0.

REZONE

Z-2417 CRIDER & CRIDER (R1 TO A); Ordinance 2009-24-CM:

- Commissioner Byers moved to hear Rezone Z-2417 – Crider & Crider (R1 to A) Ordinance 2009-24-CM, second by Commissioner Murtaugh.

(quote)

October 22, 2009
 Ref. No.: 09-330
 Tippecanoe County Commissioners
 20 North 3rd Street
 Lafayette, IN 47901

CERTIFICATION

RE: Z-2417 CRIDER & CRIDER (R1 to A):

Petitioner, with consent of owners Richard & Janet Harlow, and represented by attorney Daniel Teder, is requesting rezoning of 32.80 acres located south of CR 300 N (aka Heath Road) ¼ mile east of CR 400 E in Fairfield 12 (NW) 23-4.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on October 21, 2009 the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to rezone the subject real estate from R1 to A. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their November 2, 2009 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,
 Sallie Dell Fahey
 Executive Director

(unquote)

Petitioner, represented by attorney Dan Teder, is requesting rezoning of 32.80 acres located south of CR 300 N (aka Heath Road) ¼ mile east of CR 400 E in Fairfield 12 (NW) 23-4. A special exception is needed for a temporary mining operation. Topsoil will be set aside, gravel and sand removed, and topsoil replaced and seeded on any slopes. Upon completion the property will be sold to the Harlow's for \$1 and will be suitable for crop production.

Public Comment

None

- Commissioner Byers moved to approve Rezone Z-2417 – Crider and Crider, Ordinance 2009-24-CM, second by Commissioner Murtaugh.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2009-24-CM passes 3-0.

HIGHWAY – Opal Kuhl**Ordinance 2009-22-CM; Vacate a Public Way in the Town of Concord**

A public hearing was conducted to vacate property (alley) at 350E and 900 S in the town of Concord. Structures have been removed; owners will be building a house and an outbuilding. This property, which consists of four lots and an alley, was never developed.

Public Comment

None

- Commissioner Murtaugh moved to approve Ordinance 2009-22-CM on first reading, second by Commissioner Byers.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2009-22-CM passes on first reading 3-0.

- Commissioner Murtaugh motioned to suspend the rules, second by Commissioner Byers; motion passed.
- Commissioner Murtaugh moved to approve Ordinance 2009-22-CM on second reading, second by Commissioner Byers.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2009-22-CM passes on second and final reading 3-0.

INDOT AGREEMENT FOR BRIDGE U209

Executive Director Opal Kuhl presented an agreement between the Indiana Department of Transportation (INDOT), Norfolk Southern Railway Company (NSR), and Tippecanoe County for Bridge U209 for approval. This agreement defines the duties and responsibilities of each party pertaining to bridge maintenance.

- Commissioner Murtaugh moved to approve the agreement for Bridge U209 between INDOT, NSR, and Tippecanoe County for Bridge U209, second by Commissioner Byers; motion carried.

SUPPLEMENTAL AGREEMENT # 2 FOR BRIDGE 151

Ms. Kuhl recommended approval of the Supplemental Agreement #2 from Stewart Kline & Associates, Inc. for the Bridge 151 project, also known as Hog Point Bridge, for an additional \$14,000.

- Commissioner Byers moved to approve the Supplemental Agreement #2 from Stewart Kline & Associates, Inc. for Bridge 151, second by Commissioner Murtaugh; motion carried.

WARRANTY DEED and TEMPORARY HIGHWAY EASEMENT GRANT - BRIDGE 151

Ms. Kuhl recommended approval of Warranty Deed and Temporary Highway Easement Grant with Al and Gladys Wright for parcels 16 & 16A in the amounts of \$5,970 for the Warranty Deed and \$95 for the Temporary Easement.

- Commissioner Murtaugh moved to approve Warranty Deed and Temporary Highway Easement Grant with Al and Gladys Wright for parcels 16 & 16A in the amounts of \$5,970 for Warranty Deed and \$95 For Temporary Easement, second by Commissioner Byers; motion carried.

WARRANTY DEED AND TEMPORARY HIGHWAY EASEMENT - SOUTH RIVER ROAD

Ms. Kuhl recommended approval of Warranty Deed and Temporary Highway Easement with Shawn and Stacy O'Brien for parcels 34 & 34A in the amounts of \$9,000 for Warranty Deed and \$100 for Temporary Easement.

- Commissioner Murtaugh moved to approve Warranty Deed and Temporary Easement for parcels 34 & 34A in the amount \$9,000 for Warranty Deed and \$100 for Temporary Easement, second by Commissioner Byers; motion carried.

CONTINUATION CERTIFICATE - CENTURY TEL

Ms. Kuhl recommended approval of Continuation Certificate from Century Tel in the amount of \$5,000.

- Commissioner Byers moved to approve the Continuation Certificate from Century Tel, second by Commissioner Murtaugh; motion carried.

MAINTENANCE BOND - CHEESMAN, INC.

Ms. Kuhl recommended approval of a 3 year Maintenance Bond from Cheesman, Inc. in the amount of \$5,000.

- Commissioner Byers moved to approve the 3 year Maintenance Bond from Cheesman, Inc., second by Commissioner Murtaugh; motion carried.

2010 HIGHWAY EQUIPMENT RATES

Ms. Kuhl presented the 2010 Highway Rates for approval, which have not been adjusted since 2005. These fees are charged when county equipment and staff are used outside the department.

- Commissioner Murtaugh moved to approve 2010 Highway Rates for 2010, second by Commissioner Byers; motion carried.

GRANTS – Laurie Wilson

The Sheriff is seeking permission to apply for a Byrne grant in the amount of \$8,795 to purchase digital voice recorders.

- Commissioner Byers moved to grant permission to apply for the grant as presented, second by Commissioner Murtaugh; motion passed.

Court Services is seeking permission to apply for a Byrne grant in the amount of \$12,844, which will be used to purchase a new computer, supplies, and to attend a national conference.

- Commissioner Murtaugh moved to grant permission to apply for the grant as presented, second by Commissioner Byers; motion passed.

Community Corrections is seeking permission to apply for a grant from the Cleanse Brand company. This grant will not be in the form of financial assistance; instead the company will provide equipment such as respirators and cleansing spray used for disinfection purposes.

- Commissioner Byers moved to grant permission to apply for the grant as presented, second by Commissioner Murtaugh; motion passed.

Sheriff Tracy Brown is seeking permission to accept a Local Law Enforcement Byrnes-JAG grant in the amount of \$60,000. This grant will be used to fund a 2 year contract providing a mental health therapist for inmates at the county jail.

- Commissioner Murtaugh moved to grant permission to accept the grant as presented, second by Commissioner Byers; motion passed.

The Prosecutor is seeking permission to accept a Project Safe Neighborhood grant in the amount of \$25,000 to fund a program coordinator for 6 months.

- Commissioner Byers moved to grant permission to accept the grant as presented, second by Commissioner Murtaugh; motion passed.

Ms. Wilson presented two Professional Services Agreement contracts from the Automated Critical Asset Management System (ACAMS) grant for the Critical Infrastructure Program to fill the positions of coordinator and administrator. These positions will be contracted by Justin Darling (coordinator) and Debbie Wildle-Harlow (administrator), who have been approved by the district planning oversight committee. Compensation will be in the amount of \$15,000 each paid over a period of 6 months, with the understanding that if grant time period is extended they will continue to perform their duties thru the end of extension for no additional compensation.

- Commissioner Murtaugh moved approve the Professional Services Agreements as presented, second by Commissioner Byers; motion passed.

COUNTY ASSESSOR - Samantha Steele-Coles

County Assessor Samantha Steele-Coles is attending a conference and could not be present for this meeting.

- Commissioner Murtaugh moved to keep this issue tabled until the November 16 ,2009 regular meeting, second by Commissioner Byers; motion passed.

WILDCAT CREEK WASTE DISTRICT (WCSWD)

- Commissioner Murtaugh moved to hear discussion on a new building for storing and processing hazardous waste materials at the Wildcat Creek Solid Waste District facility, second by Commissioner Byers.

WCSWD Executive Director Dawn Boston is seeking permission to build a hazard waste processing and storage facility on property leased from the county located at 2780 North 9th Street Rd. The District has been planning this building for several years and has been saving funds to pay for the building outright; no increase in the tax rate is needed to cover this action. Ms. Boston stated she has had communications with state representatives regarding Purdue's interest in taking over the program; it was discovered that someone without authority or approval in a low level position had initiated the proposal, thus negating the offer. Commissioner Byers confirmed the withdrawal, stating a letter has been received from Purdue. He said the Mayor of the City of West Lafayette has contacted the Board about the possibility of taking over the program. Commissioner Murtaugh said they plan on discussing this option further based on public feedback regarding the limited amount of hours the service is available to the public. Ms. Boston stated the facility is open 9:00 a.m. to 6:00 p.m. on Monday and by appointment Tuesday through Friday. The staff must be present at the Clinton County facility during the week since they contribute 20% to the budget. Appointments are necessary to ensure qualified staff members are present for unloading heavy objects. Mr. Murtaugh suggested hours of operation include evenings and weekends; Ms. Boston replied that would be possible only with additional funding. Mr. Byers said Mayor Dennis is considering the possibility of adding a hazardous waste area to the current re-cycling facility. Director Boston asked if there is a time frame for this discussion to ensure it is not drawn out too long before a decision is made. Mr. Murtaugh said it is important to explore the offer and the possibility of cooperation between the governmental units. Ms. Boston is concerned about the continued safety issues her staff faces on a daily basis without the new facility. Commissioner Knochel allowed for public comment on the issue.

Public Comment

Paul Wright, West Point – Purdue University currently operates a campus toxic waste facility that is state inspected. WCSWD is funded through an automatic tax rate increase in addition to all other county entities. He would like to see an offer made to Purdue to take over the program. Ms. Boston presented a letter from Purdue stating they are not interested in having the general public bring hazardous waste into their facility.

The Commissioners agreed this is a necessary service; one that merits further discussion with the City. Mr. Knochel asked for a motion on the building, none was put forth. Ms. Boston expressed concern at the amount of time this process has taken and is continuing to take. In the mean time, she feels they are in violation of Occupational Health and Safety Administration (OSHA) standards. Mr. Murtaugh said this issue would be taken under advisement for the next 30 days with the intent of resolution.

AUDITOR-Jennifer Weston

Auditor Jennifer Weston is seeking approval to change the part-time hourly deed clerk to regular part-time and the full time office manager position to part-time hourly; this should save the General Fund about \$15,000 per year.

- Commissioner Murtaugh moved to approve the position change as presented, second by Commissioner Byers; motion carried.

BUILDING COMMISSION

AFFIRMATION OF FINDINGS of FACTS & ACTIONS TAKEN

Steven & Michelle Mitchell property; 4918 Sherman St. in Buck Creek - County Attorney David Luhman explained this action documents the findings of facts & actions taken at the October 19, 2009 meeting. It was determined the premise continues to be an unsafe structure; the owners have not removed it, and authorized the building commission to proceed with demolition quotes.

- Commissioner Murtaugh moved to affirm the finding of facts and actions taken, second by Commissioner Knochel; motion carried. *Commissioner Byers abstained.*

AFFIRMATION OF FINDINGS AND DECISION OF POOR RELIEF HEARING

On October 19, 2009, the Commissioners conducted a hearing with respect to an appeal filed by Jennifer Abston against the Wea Township trustee. The Commissioners issued a finding within five days of the hearing. Attorney Luhman clarified the action taken today would ratify the findings and decision issued by the commissioners.

- Commissioner Byers moved to ratify the findings and decisions of the Board regarding the appeal filed by Jennifer Abston, second by Commissioner Murtaugh; motion carried.

APPOINTMENT OF DIRECTOR TO COMMUNITY CORRECTIONS

- Commissioner Murtaugh moved to appoint Dave Heath as Director of Community Corrections, second Commissioner Byers; motion carried.

ANIMAL SHELTER CONTRACT

The Crystal Creek Boarding Kennel presented a contract for renewal in the amount of \$52,000 to take in stray animals located within the county; this fee is same as prior years. If approved by the Commissioners, the contract will not be in force until approved by the County Council.

- Commissioner Byers moved to approve renewal of contract with Crystal Creek Boarding Kennel, second by Commissioner Murtaugh; motion carried.

APPLICATIONS TO THE VILLA

- Commissioner Byers moved to approve the application of Harry F. Bennett to the Tippecanoe Villa, second by Commissioner Murtaugh; motion carried.

UNFINISHED BUSINESS

None

NEW BUSINESS

RESOLUTION 2009-27-CM; TAX ABATEMENT APPLICATION FOR HICKS OIL AND HICKSGAS, INC.

This resolution is in response to the application for tax abatement filed by Hicks Oil and Hicks Gas, Inc. The property, owned by Superior Structures, Inc., is located at 4475 Dale Dr., which is within an area designated an economic revitalization area and the Southeast Industrial TIF area. As such, the resolution must be approved by both the Commissioners and County Council.

Jody Hamilton, Economic Development Director for Greater Lafayette Chamber of Commerce, spoke on behalf of the applicant. Ms. Hamilton briefly explained two structures would be built; a 4,800 square foot office and warehouse building, and a 1,200 square foot cylinder filling facility. This will initially create 2 jobs with an average wage of \$16.34 before benefits. The cost of building the structures will be approximately \$700,000. Hicks Gas is a major supplier to larger companies in the area and is looking to relocate closer to the current customer base as well as expand to new clients.

- Commissioner Murtaugh moves to approve Resolution 2009-27-CM, second by Commissioner Byers; motion carried.

REPORTS ON FILE

Wabash River Heritage Corridor Commission
 County Treasurer
 Clerk of the Circuit Court
 Minutes of County Park Board
 Mail & Duplicating

PUBLIC COMMENTS

Chris Johnson, 104 Walnut St., Lafayette - had questions concerning parking tickets he has received at his residence. The Commissioners directed him to the City of Lafayette Board of Works; Building Commissioner Ron Highland will assist Mr. Johnson with finding the correct person for his questions.

Beverly Adams Property Update

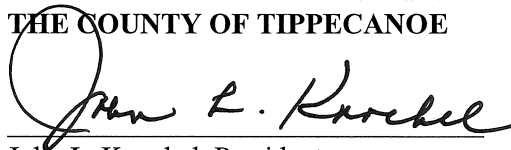
Building Commissioner Ron Highland stated the buildings have been demolished and site cleaned up.

Steven and Michelle Property Update

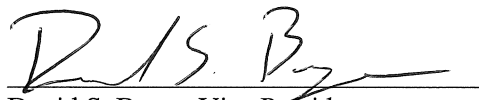
Mr. Highland presented pictures showing that no work has been done in past 2 weeks.

- Commissioner Byers moved to adjourn.

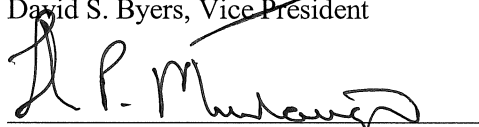
BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE



John L. Knochel, President

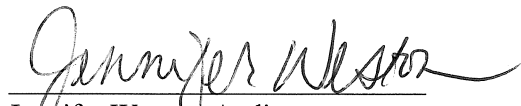


David S. Byers, Vice President



Thomas P. Murtaugh, Member

ATTEST:



Jennifer Weston, Auditor

APPENDIX A

Supplier Diversity Development Coalition of Greater Lafayette Proclamation

Whereas, growth and development of women and minority businesses are essential in fostering a strong local economy; and

Whereas, the Supplier Diversity Development Coalition of Greater Lafayette is devoted to developing strategic alliances and enhancing opportunities for minority-owned businesses; and

Whereas, the Coalition has formed strategic partnerships with private businesses, governmental agencies, and Purdue University to work together to promote the success and longevity of minority business enterprises; and

Whereas, it is through the efforts of this Coalition that the businesses in Tippecanoe County have access to diverse programs, services and products; and

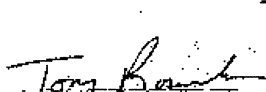
Whereas, the Cities and County commend the Coalition for its dedication to building a stronger community by promoting and engaging in diverse business development.

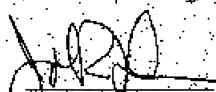
Now, Therefore, we,


John Dennis, Mayor of the City of West Lafayette,
Tony Roswarski, Mayor of the City of Lafayette and
John Knochel, President of the Tippecanoe County Board of Commissioners

do hereby proclaim November 12, 2009, Supplier Diversity Days in honor of

Supplier Diversity Development Coalition of Greater Lafayette


Tony Roswarski, Mayor
City of Lafayette


John Dennis, Mayor
City of West Lafayette


John Knochel, President
Tippecanoe County Board of
Commissioners

